

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65434 of 2022

Arising Out of PS. Case No.-599 Year-2022 Thana- MAHUA District- Vaishali

VIKASH KUMAR @ BALAJEE @ BALA Son of Vasakit Singh @ Baskit
Singh R/v- Madhopur, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Mahua
P.S. Case No. 599 of 2022 registered for the offence under
Section 414/34 of the Indian Penal Code and Sections
30(a)/32(ii)/34(ii)/41(ii) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.10.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 2434.080 litres of illicit IMFL/country made



liquor.

Learned counsel appearing on behalf of the petitioner submitted that name of petitioner surfaced in this case on the basis of secret information, and admittedly, nothing incriminating material recovered from his conscious physical possession. It is further submitted that as petitioner involved in 4 more excise cases, his name appears in present case without having any connecting evidence out of suspicion, arises from those antecedents. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as no recovery of illicit liquor appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mahua P.S. Case No. 599 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II-cum-Additional District and Sessions Judge,



Hajipur, Vaishali/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further condition:

(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(Chandra Shekhar Jha, J)

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